

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MARGARET MITCHELL,

Plaintiff,

Case No. 08-11570

v.

Honorable John Corbett O'Meara

WELTMAN, WEINBERG & REIS CO., L.P.A.

Defendant.

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**ORDER OF PARTIAL DISMISSAL**

Plaintiff filed a two-count complaint in this court on April 11, 2008, alleging the following: violation of the Fair Debt Collection Practices Act in Count I, see 15 U.S.C. § 1692; and violation of the Michigan Occupational Code in Counts II.

While the claim alleging violations of federal law are cognizable in this court pursuant to 28 U.S.C. §§ 1331, 1337, the remaining allegation in the complaint presents a claim based on state law. The parties to this matter are not diverse. Therefore, this court declines to exercise pendent jurisdiction over the state claim. See United Mine Workers v. Gibbs, 383 U.S. 715 (1966); 28 U.S.C. § 1367(c).

Accordingly, it is hereby **ORDERED** that Count II is **DISMISSED**.

s/John Corbett O'Meara  
United States District Judge

Date: May 23, 2008

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, May 23, 2008, by electronic and/or ordinary mail.

s/William Barkholz  
Case Manager